

**RESPONSE UNDER 37 C.F.R. § 1.116 AND
STATEMENT OF SUBSTANCE OF INTERVIEW**

Attorney Docket No.: Q79265

Application No.: 10/758,220

REMARKS

Claims 1-18 are all the claims pending in the application.

Statement of Substance of Interview

Applicants' representative thanks the Examiner for the courtesies extended during the telephone interview conducted on April 22, 2008. During the interview, the 35 U.S.C. § 103(a) rejection of the claims, and the Examiner's response to the Applicants' previously submitted arguments on December 13, 2007, were discussed. The Examiner agreed that the distinctions between the claims and the prior art of record appeared to be convincing, and advised the Applicants to file an appropriate formal response to the Final Office Action issued on February 25, 2008.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

Claim Rejections - 35 U.S.C. § 103

Claims 1-18 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Blahut. For *at least* the followings reasons, Applicants respectfully traverse the rejection.

Applicants respectfully submit that claim 1 is patentable over Blahut. For example, claim 1 relates to an information transmission apparatus. The apparatus comprises, *inter alia*, request analyzing means, storage means, information addition means, and information transmission means. The request analyzing means receives an instruction including both a request for transmission of specific information and an identifier identifying an information processing apparatus that has made the transmission request. The information processing apparatus making the transmission

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request is from among a plurality of information processing apparatus, which are connected with said information transmission apparatus by way of a common connection line.

The storage means stores array data about arrays. Each array indicates a correspondence between one of a plurality of different pieces of information to be transmitted (to the requesting information processing apparatus) and at least an identifier identifying one of said plurality of information processing apparatus. The information addition means adds the identifier associated with said instruction to the specific information associated with said instruction by referring to said storage means based on analysis results from said request analyzing means. The information transmission means transmits the specific information to which the identifier is added to the information processing device which has provided said instruction to said information transmission apparatus.

As an initial matter, Applicants thank the Examiner for his detailed response (on pages 2-5 of the Office Action) to Applicants' arguments submitted in the Amendment filed on December 13, 2007 (hereinafter, "previous Amendment"). Applicants respectfully submit, however, that the claims are not rendered unpatentable by Blahut's teachings, as discussed during the aforementioned interview, and as set forth in detail below.

For example, in the previous Amendment, it was submitted that Blahut does not disclose or suggest any storage means for storing array data that indicates a correspondence between one of a plurality of different pieces of information to be transmitted (to the requesting information processing apparatus) and at least an identifier identifying one of said plurality of information processing apparatus (see previous Amendment, page 9, last paragraph). In particular, it was pointed out that in Blahut, a count of how many active TVs 107 are tuned to a selected channel and

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the selected channel itself are stored in a lookup table. That is, no identifier of the TV 107 is stored in the lookup table (Blahut, col. 2, lines 55-58, col. 7, lines 38-49, and col. 9, lines 53-56).

In response, in the current Office Action, the Examiner, referring to paragraph [0020] of Blahut contends that “[i]t may be interpreted that, to maintain a count of active TVs watching a selected program, an identifier must be present for each TV. Otherwise, it would not be possible to differentiate between televisions in order to obtain an accurate count (as opposed to counting the same television twice, etc.). Blahut discloses that a remote control ID (the remote corresponding to a television) exists, for one example of such identifiers in the Blahut system” (Office Action, page 2, paragraph 3). Applicants respectfully submit that the teachings of Blahut are being misinterpreted in the Office Action.

Blahut explicitly states that “a count of how many active TVs 107 are tuned to the selected program” is maintained in the lookup table in paragraph [0020]. In addition, the Examiner’s given reasoning for interpreting the count as an identifier is inadequate. More particularly, Applicants fail to understand how the same television would be counted twice in Blahut. For instance, if a TV 107 tunes into a first channel, Blahut’s method requires the count with respect to the TVs tuned into the first channel to be incremented. Now, if the TV 107 switches to another channel, the count for the TVs tuned into the first channel would decrease. At this point, if the TV 107 switches back to the first channel, the count with respect to the first channel would legitimately be incremented again. As such, Applicants respectfully submit that merely disclosing that a count of tuned-in TVs 107 is maintained with respect to each selected channel does not teach or suggest storing array data that indicates a correspondence between one of a plurality of different pieces of information to be transmitted (to the requesting information processing apparatus) and at least an identifier

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identifying one of said plurality of information processing apparatus as claimed. In fact, one of ordinary skill in the art would not store TV identifiers for obtaining the value of a counter.

Furthermore, it was submitted that Blahut explicitly states that “only the count of how many of TVs 107 are receiving the selected program channel number is updated” if the selected program channel number is presently being viewed by another active TV 107 (Blahut, col. 10, lines 6-9). Responding to this argument, it is indicated in the Office Action that the “Examiner feels the applicant is misinterpreting the intended meaning of this excerpt. It is clear reading the whole of [0026] that Blahut is stating that only the count of TVs is updated if another TV is playing the selected program as opposed to initiating a new separate feed for the program from upstream. Blahut is not saying that the count is updated as opposed to all other storage of identifiers, etc. Clearly, the identifier may be interpreted as being communicated for same reasons as in the preceding paragraph [paragraph 3]” (Office Action, page 3, paragraph 4). Applicants respectfully disagree.

Applicants respectfully submit that the previous arguments were in view of Blahut’s entire disclosure, and the above-noted portion of Blahut clearly teaches that only a count of the number of TVs 107 tuned into a subject channel is maintained in Blahut. The Examiner contends that the count is maintained only if another TV is playing the selected program, and does not teach that the storage of identifiers is precluded in such a case. Applicants respectfully point out that during none of the creation, maintenance, or update phases of the lookup table does Blahut teach that the identifiers (e.g., the remote control identifiers) are stored therein. If the Examiner disagrees, he is respectfully requested to point out where Blahut teaches such a feature. Moreover, even if the subject TV 107 is the first TV to tune into a particular channel, only the count of the TVs 107 (in

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this case, one) and the selected channel are stored in the look-up table (*see* third bullet in paragraph [0026] of Blahut). As such, there is no disclosure, teaching, or suggestion in Blahut that an identifier of the TV 107 is maintained in the lookup table.

It was also submitted in the previous Amendment that since no identifier of the TV 107 is ever maintained by the lookup table in Blahut, Blahut does not teach or suggest the claimed information addition means which adds the identifier associated with the (requesting) instruction to the specific information associated with the instruction, and the claimed information transmission means which transmits the specific information to which the identifier is added to the information processing device which has provided the instruction to the information transmission apparatus (previous Amendment, page 10, first full paragraph to page 11, line 3). The Examiner alleges that the features upon which the Applicants rely are not recited in the rejected claims (Office Action, page 3, paragraph 5).

Specifically, the Examiner asserts that the above-noted feature of claim 1 is interpreted as “tracking a corresponding identifier for an entity requesting a program, and then providing the program to the identified entity.” The claim is not specific enough to require that the identifier be embedded in the program as argued by Applicant. Blahut discloses adding identifiers of televisions viewing a selected program and providing the program to the identified televisions in response. Clearly, the identifier must be present in order to properly feed the programs to the units” (Office Action, page 4, lines 1-2, , emphasis added). Applicants respectfully disagree.

As an initial matter, Applicants respectfully submit that the subject features are explicitly recited in claim 1. As noted above, claim 1 recites that the claimed information transmission means (corresponding closest to Blahut’s ONU 106) transmits the specific information (corresponding

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closest to a selected program channel) to which the identifier is added to the information processing device (corresponding closest to Blahut's TV 107) which has provided the instruction to the information transmission apparatus. The Examiner incorrectly states that providing the program to the identified entity can be interpreted as transmitting the specific information to which the identifier is added to the information processing device as claimed. In Blahut, however, the program provided to the identified entity does not have added thereon any identifier as required by claim 1. Accordingly, Blahut does not teach or suggest this feature of claim 1.

In relation to claim 1, it was further submitted that Blahut does not teach or suggest that the plurality of information processing apparatuses are connected with the information transmission apparatus by way of a common connection line. Rather, the selected channel number indicated in a control message (from the TV 107) is transmitted to the TV 107 via a coaxial cable (previous Amendment, page 11, first full paragraph to page 12, line 7). The Examiner, in response, asserts that since Official Notice was relied upon in the case, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references (Office Action, page 4, paragraph 6).

Applicants respectfully point out that only Blahut was cited in the previous Office Action, and no other reference was cited in support of the Official Notice. Moreover, the Examiner alleged that Blahut's "ONU 106 receives transmission requests from a plurality of remote controls and this may be thought of as a common connection. In fact, wireless communication may be seen as being motivated by the same goal of a single common connection line, that of minimizing the need of hardware" (previous Office Action, page 4, second full paragraph, also current Office Action, page 8, first and second paragraphs). As submitted in the previous Amendment, the selected channel

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number in Blahut is transmitted to the TV 107 via a coaxial cable (Blahut, col. 5, paragraph [0014]). This is not a wireless transfer, which the Examiner is relying on to disclose the claimed common connection line. Rather, the transmission of the different programs to the active TVs is carried out via different coaxial cables from the ONU 106, as shown in FIG. 1. As such, it was necessary for the Applicants to show why it would not be obvious to a skilled artisan to connect Blahut's multiple TVs 107 to the ONU 106 by way of a common connection line, contrary to the Examiner's assertions.

Now, in view of the Applicants' arguments, the Examiner has cited a reference, namely U.S. Patent No. 7,136,042 to Magendanz *et al.* ("Magendanz"), to support the Official Notice (Office Action, page 4, last paragraph, and page 8, third paragraph). The Examiner contends that in view of Magendanz, "the inclusion or exclusion of a common connection line by Blahut is a moot point". *Id.* Applicants respectfully disagree.

For instance, merely citing a reference that shows multiple displays connected to a display controller via a single video cable still does not explain how different programs (i.e., different video signals) in Blahut could be transmitted at the same time to different TVs within the same home, which is an object of Blahut's invention (Blahut, Abstract, and col. 7, lines 1-14). If Magendanz's single video cable was employed in Blahut's system, all the TVs at the home would be limited to receiving only one video signal at any given time, or at best, receive staggered transmission of the different channels since they would have to be time-multiplexed on the single video cable. Since Magendanz's single video cable teaches away from the objective of Blahut, a skilled artisan would not be motivated to draw from the teachings of Magendanz to modify Blahut.

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In view of the foregoing, Applicants respectfully submit that Blahut alone, or in combination with Magendanz, does not teach or suggest the above-noted features of claim 1. Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection is respectfully requested.

Claim 9 recites features similar to those discussed above with respect to claim 1. Therefore, claim 9 is patentable for reasons similar to, but not necessarily coextensive with, those given above with respect to claim 1.

Claims 2-8 and 10-18 are patentable *at least* by virtue of their dependency. Further, it was submitted in the previous Amendment that claims 3 and 7 are patentable for reasons other than their dependency.

The Examiner contends that the arguments submitted with respect to claims 3 and 7 have been addressed by the Examiner's response to the arguments regarding claim 1 (Office Action, page 5, paragraphs 7 and 9). Applicants submit that the Office Action is incomplete because the Examiner did not answer the substance of the previously submitted arguments with respect to claims 3 and 7. MPEP § 706.07(f) dictates that "[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it" (emphasis added). Since additional arguments were provided for *at least* claims 3 and 7 in the previous Amendment, these arguments must be separately addressed.

Applicants further submit that since it has been shown above that claim 1 is patentable over Blahut despite the Examiner's response with respect to claim 1, the Examiner's response to the arguments related to claims 3 and 7 is also rendered moot.

Moreover, claim 3 recites that when receiving an instruction indicating a request for transmission of specific information, said request analyzing means (1) adds only an identifier

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associated with said instruction to said array data if a correspondence between the specific information associated with said instruction and at least one identifier is included in the array data stored in said storage means, and (2) adds both identification information identifying the specific information and the identifier, which are associated with said instruction, to said array data if no correspondence between the specific information associated with said instruction and at least one identifier is included in the array data. That is, the data (either only an identifier associated with the instruction or both identification information identifying the specific information and the identifier) added to the array data is dependent on the correspondence (or lack thereof) between the specific information associated with the instruction and at least one identifier. There is no such determination in Blahut when transmitting a video signal of a selected channel to the respective TV 107. Specifically, the video signal is merely decoded by an MPEG2 decoder 306 in the ONU 106 and then supplied to the TV 107 without any addition of data to the video signal based on the correspondence between the selected channel and at least one identifier of the TVs 107, as required by claim 3 (Blahut, cols. 7-8, paragraph [0021]). Accordingly, claim 3 is patentable over Blahut.

In addition, claims 15 and 17 recite that the plurality of the information processing apparatus are connected to the information transmission apparatus only via the common connection line. As discussed above with respect to claim 1, and as acknowledged by the Examiner, Blahut does not teach or suggest that the TVs 107 are connected to the ONU 106 via the common connection line. Claims 15 and 17 explicitly require the plurality of the information processing apparatus to be connected to the information transmission apparatus only via this common connection line. Further, it has been shown above that the Official Notice regarding this feature is improper. For instance, connecting Blahut's TVs 107 only via a single cable (as taught by

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Magendanz) to the ONU 106 teaches away from Blahut's objective of transmitting different programs to different TVs at the same time within the same home. Accordingly, claims 15 and 17 are patentable over the proposed combination of Blahut and Magendanz.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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